

REMARKS

The Office Action mailed November 28, 2006 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-21 are now pending in this application. Claims 1-21 stand rejected.

The rejection of Claims 1, 2, 6-10, 14, 15 and 19-21 under 35 U.S.C. § 102(b) as being anticipated by Applicants' Admitted Prior Art in Figure 1 of the instant application is respectfully traversed.

Applicants respectfully submit that the Section 102(b) rejection of Claims 1, 2, 6-10, 14, 15, and 19-21 is improper.

Applicants' Admitted Prior Art describes a backplane (12) and a central processing unit (CPU) card (14) mounted thereon. A CPU (not shown) is mounted on the CPU card (14). Backplane (12) includes a plurality of module connectors (16) which accept modules such as a wireless communication module (18). Module connectors (16) communicate with the CPU via a PLC module bus (not shown). In use, the CPU sends information to be wirelessly communicated across the PLC module bus to wireless communication module (18). Additionally, information that is received by wireless communication module (18) is sent by a wireless communication module (18) across the PLC module bus to the CPU. Notably, Applicants' Admitted Prior Art does not describe communication between the CPU and communications module (18) without using a PLC module bus.

Claim 1 recites "a method for manufacturing, said method comprising: providing a central processing unit (CPU) configured for a programmable logic controller (PLC) including a PLC module bus for coupling at least one PLC module to the CPU . . . providing a means for wireless radio frequency communications . . . and operationally coupling the means for wireless radio frequency communications to the CPU, wherein the CPU is mounted on a backplane of a rack, wherein the means and CPU communicate without using the PLC module bus."

Applicants' Admitted Prior Art does not describe nor suggest a method for manufacturing as recited in Claim 1. More specifically, Applicants' Admitted Prior Art does not describe nor suggest operationally coupling a means for wireless radio frequency communications to a CPU, wherein the CPU is mounted on a backplane of a rack, wherein

the means and CPU communicate without using a PLC module bus. Rather, in contrast to the claimed invention, Applicants Admitted Prior Art describes communication from wireless communication module (18) across the PLC module bus to the CPU, and vice versa.

Rejection of claims under 35 U.S.C. § 102(b) is warranted “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131. Because Applicants’ Admitted Prior Art does not describe each and every element of Claim 1, the 35 U.S.C. § 102(b) rejection of Claim 1 is improper. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Applicants’ Admitted Prior Art.

Claims 2-6 and 21 depend from independent Claim 1. When the recitations of Claims 2-6 and 21 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-6 and 21 likewise are patentable over Applicants’ Admitted Prior Art.

Claim 7 recites “a method for communicating, said method comprising: providing a wireless communication device . . . sending a wireless message from the wireless communication device to a programmable logic controller (PLC) having a central processing unit (CPU) and a PLC module bus for coupling at least one PLC module to the CPU . . . and operationally coupling a means for wireless radio frequency communications to the CPU, wherein the CPU is mounted on a backplane of a rack, wherein the means for wireless radio frequency communications and CPU communicate without using the PLC module bus.

Applicants’ Admitted Prior Art is described above.

Applicants’ Admitted Prior Art does not describe nor suggest a method for communicating as recited in Claim 7. More specifically, Applicants’ Admitted Prior Art does not describe nor suggest operationally coupling a means for wireless radio frequency communications to a CPU, wherein the CPU is mounted on a backplane of a rack, wherein the means and CPU communicate without using a PLC module bus. Rather, in contrast to the claimed invention, Applicants’ Admitted Prior Art describes communication between the CPU and communication module (18) across the PLC module bus to the CPU, and vice versa.

Rejection of claims under 35 U.S.C. § 102(b) is warranted “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131. Because Applicants’ Admitted Prior Art does not describe each and every element of Claim 7, the 35 U.S.C. § 102(b) rejection of Claim 7 is improper. Accordingly, for at least the reasons set forth above, Claim 7 is submitted to be patentable over Applicants’ Admitted Prior Art.

Claim 8 depends from independent Claim 7. When the recitations of Claim 8 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 8 likewise is patentable over Applicants’ Admitted Prior Art.

Claim 9 recites “a Programmable Logic Controller comprising: a backplane comprising at least one module connector . . . a central processing unit (CPU) card mounted on said backplane . . . and a transmitter/receiver mounted on said CPU card, said transmitter/receiver operationally coupled to said CPU, wherein said CPU is mounted on said backplane via said CPU card.

Applicants’ Admitted Prior Art is described above.

Applicants’ Admitted Prior Art does not describe nor suggest a programmable logic controller as recited in Claim 9. More specifically, Applicants’ Admitted Prior Art does not describe nor suggest a transmitter/receiver mounted on a CPU card, the transmitter/receiver operationally coupled to the CPU, wherein the CPU is mounted on the backplane via the CPU card. Rather, in contrast to the claimed invention, Applicants’ Admitted Prior Art describes a CPU mounted on a CPU card.

Rejection of claims under 35 U.S.C. § 102(b) is warranted “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131. Because Applicants’ Admitted Prior Art does not describe each and every element of Claim 9, the 35 U.S.C. § 102(b) rejection of Claim 9 is improper. Accordingly, for at least the reasons set forth above, Claim 9 is submitted to be patentable over Applicants’ Admitted Prior Art.

Claims 10-14 depend from independent Claim 9. When the recitations of Claims 10-14 are considered in combination with the recitations of Claim 9, Applicants submit that dependent Claims 10-14 likewise are patentable over Applicants’ Admitted Prior Art.

Claim 15 recites “an apparatus comprising: a processor . . . a radio frequency receiver operationally coupled to said processor . . . a radio frequency transmitter operationally coupled to said processor, said transmitter is configured to send a wireless message to a programmable logic controller (PLC) having a central processing unit (CPU) and a PLC module bus for coupling at least one PLC module to the CPU . . . and means for wireless radio frequency communications operationally coupled to the CPU, wherein the CPU is mounted on a backplane of a rack, wherein the means and CPU communicate without using the PLC module bus.”

Applicants’ Admitted Prior Art is described above.

Applicants’ Admitted Prior Art does not describe nor suggest an apparatus as recited in Claim 15. More specifically, Applicants’ Admitted Prior Art does not describe nor suggest means for wireless radio frequency communications operationally coupled to a CPU, wherein the CPU is mounted on a backplane of a rack, wherein the means and CPU communicate without using a PLC module bus. Rather, in contrast to the claimed invention, Applicants’ Admitted Prior Art describes communication between the CPU and communication module (18) across the PLC module bus to the CPU, and vice versa.

Rejection of claims under 35 U.S.C. § 102(b) is warranted “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131. Because Applicants’ Admitted Prior Art does not describe each and every element of Claim 15, the 35 U.S.C. § 102(b) rejection of Claim 15 is improper. Accordingly, for at least the reasons set forth above, Claim 15 is submitted to be patentable over Applicants’ Admitted Prior Art.

Claims 16-20 depend from independent Claim 15. When the recitations of Claims 16-20 are considered in combination with the recitations of Claim 15, Applicants submit that dependent Claims 16-20 likewise are patentable over Applicants’ Admitted Prior Art.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1, 2, 6-10, 14, 15 and 19-21 be withdrawn.

The rejection of Claims 3-5, 11-13 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Applicants’ Admitted Prior Art in view of Holmes et al. (U.S. Patent No. 6,636,749) (hereinafter referred to as “Holmes”) is respectfully traversed.

Applicants' Admitted Prior Art is described above.

Holmes describes a method and apparatus of adding wireless protocol capability to a charge cord, therefore allowing a wireless device, such as a wireless phone, to acquire wireless protocol capability and electrical power from the same attachment. A vehicle adaptor (104) is connected to a main cord (108). The main cord (108) includes components to transmit power from the vehicle adaptor (104) to a wireless phone (110) and to transmit audio signals back and forth between a Blue-tooth module (106) located in the vehicle adaptor and the wireless phone (110).

Claim 1 is recited above.

Neither Applicants' Admitted Prior Art nor Holmes, considered alone or in combination, describes or suggests a method for manufacturing as recited in Claim 1. Specifically, none of the Applicants' Admitted Prior Art nor Holmes, considered alone or in combination, describes nor suggests providing a means for radio frequency communications and operationally coupling the means for wireless radio frequency communications to a CPU, wherein the CPU is mounted on the backplane of a rack, wherein the means and CPU communicate without using a PLC module bus. Rather, in contrast to the present invention, Applicants' Admitted Prior Art describes communication from wireless communication module (18) across the PLC module bus to the CPU, and vice versa. Holmes describes transmitting audio signals back and forth between a blue tooth module (106), located in the vehicle adaptor (104), and a wireless phone (110) over a cord (108). Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Applicants' Admitted Prior Art in view of Holmes.

Claims 2-6 and 21 depend from independent Claim 1. When the recitations of Claim 2-6 and 21 are considered in combination with the recitations of Claim 1, Applicants' submit that dependent Claims 2-6 and 21 likewise are patentable over Applicants' Admitted Prior Art in view of Holmes.

Claim 7 is recited above. Applicants' Admitted Prior Art is described above.

None of the Applicants' Admitted Prior Art nor Holmes, considered alone or in combination, describes or suggests a method for communicating as recited in Claim 7. Specifically, none of Applicants' Admitted Prior Art nor Holmes, considered alone or in

combination, describes nor suggests a method for communicating that includes providing a wireless communication device, sending a wireless message from the wireless communications device to a programmable logic controller having a central processing unit, and operationally coupling a means for wireless radio frequency communications to the CPU wherein the CPU is mounted on the backplane of a rack, wherein the means for wireless radio frequency communications and CPU communicate without using a PLC module bus. Rather, in contrast to the present invention, Applicants' Admitted Prior Art describes communication from wireless communication module (18) across the PLC module bus to the CPU, and vice versa. Holmes describes transmitting audio signals back and forth between a blue tooth module (106), located in the vehicle adaptor (104), and a wireless phone (110) over a cord (108). Accordingly, for at least the reasons set forth above, Claim 7 is submitted to be patentable over Applicants' Admitted Prior Art in review of Holmes.

Claim 8 depends directly from independent Claim 7. When the recitations of Claim 8 are considered in combination with the recitations of Claim 7, Applicants submit that dependent Claim 8 likewise is patentable over Applicants' Admitted Prior Art in view of Holmes.

Claim 9 is recited above. Applicants' Admitted Prior Art is described above.

Neither Applicants' Admitted Prior Art nor Holmes, considered alone or in combination, describes nor suggests a programmable logic controller as recited in Claim 9. Specifically, none of Applicants' Admitted Prior Art nor Holmes, considered alone or in combination, describes nor suggests a programmable logic controller including a backplane and a central processing unit card mounted on the backplane, and a transmitter/receiver mounted on the CPU card, the transmitter/receiver operationally coupled to the CPU, wherein the CPU is mounted on the backplane via the CPU card. Rather, in contract to the present invention, Applicants' Admitted Prior Art describes a CPU mounted on a CPU card (14). Holmes describes transmitting audio signals back and forth between a blue tooth module (106), located in the vehicle adaptor (104), and a wireless phone (110) over a cord (108). Accordingly, for at least the reasons set forth above, Claim 9 is submitted to be patentable over Applicants' Admitted Prior Art in view of Holmes.

Claims 10-14 depend from independent Claim 9. When the recitations of Claims 10-14 are considered in combination with the recitations of Claim 9, Applicants

submit that dependent Claims 10-14 likewise are patentable over Applicants' Admitted Prior Art in view of Holmes.

Claim 15 is recited above. Applicants' Admitted Prior Art is described above.

Neither Applicants' Admitted Prior Art nor Holmes, considered alone or in combination, describes nor suggests an apparatus as recited in Claim 15. Specifically, none of Applicants' Admitted Prior Art nor Holmes, considered alone or in combination, describes nor suggests an apparatus including means for wireless radio frequency communications operationally coupled to a CPU wherein the CPU is mounted on a backplane of a rack and wherein the means and CPU communicate without using a PLC module bus. Rather, in contrast to the present invention, Applicants' Admitted Prior Art describes communication from wireless communication module (18) across the PLC module bus to the CPU, and vice versa. Holmes describes transmitting audio signals back and forth between a blue tooth module (106), located in the vehicle adaptor (104), and a wireless phone (110) over a cord (108). Accordingly, for at least the reasons set forth above, Claim 15 is submitted to be patentable over Applicants' Admitted Prior Art in view of Holmes.

Claims 16-20 depend from independent Claim 15. When the recitations of Claims 16-20 are considered in combination with the recitations of Claim 15, Applicants submit that dependent Claims 16-20 likewise are patentable over Applicants' Admitted Prior Art in view of Holmes.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 3-5, 11-13 and 16-18 be withdrawn.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is improper. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion or incentive support in the combination. Neither Applicants' Admitted Prior Art nor Holmes, considered alone or in combination, describes nor suggests the claimed invention. Further, in contrast to the Examiner's assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Applicants' Admitted Prior Art and Holmes because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to

any prior art that teaches or suggests the combined disclosures, other than Applicant's own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP §2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejections of the claims be withdrawn.

In view of the foregoing remarks, this application is believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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